

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

THOMAS B. ELLINGTON,
Plaintiff

v.

NICHOLAS CORTES, et al.,
Defendants

CIVIL ACTION NO. 3:09-2504

(JUDGE NEALON)
(MAGISTRATE JUDGE MANNION)

**FILED
SCRANTON**

FEB 01 2013

PER 

DEPUTY CLERK

ORDER

AND NOW, THIS 1st DAY OF FEBRUARY, 2013, for the reasons set forth in the

Memorandum filed today, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation (Doc. 103) is **ADOPTED**;
2. Defendants' motion for summary judgment (Doc. 99) is **GRANTED**;
3. Plaintiff's objections (Doc. 106) to the Report and Recommendation are **OVERRULED**;
4. Plaintiff's motion in opposition (Doc. 107) is **DENIED**;
5. Plaintiff's claims are **DISMISSED without prejudice**; and
6. The Clerk of Court is directed to **CLOSE** this case; and
7. Any appeal will be deemed frivolous, without probable cause, and not taken in good faith.


United States District Judge